G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject.:—

File No. 53/48

~~R+x Bc~~ DEPT.

7 BRANCH.

References:—

Date.	To whom sent.	Notes and instructions.

Bhatkal
16th JUNE, 1955

From:

The Sub-Government Pleader, Bhatkal.
(District:North Kanara)

To

DEVELOPMENT DEPARTMENT
File
Serial
Date
A 7/445
21/6/55

The Secretary to Govt, Labour and Housing Department,
Govt of Bombay, Secretariat, Bombay.

Subject:- construction of Cinema theatres etc

Sir,

I have the honour to state that two criminal compli-ants against the Proprietors of Pren Talkes and shri Laxmi Talkies of Bhatkal respectively for contrevening the provisions of Bombay Building Control on erection Act- XXXI of 1948 and B.S.T.P.Act, have been filed in the Judicial Magistrate's Court at Bhatkal and the same have reached the stage of hearing.

For the purpose of brining home the charges against the accused under the said Act, I am required to show to the Court authorities or the Govt notifications under which Act No XXXI of 1948 was made applicable to Bhatkal town or Kanara District. The Act does not disclose that it has been made appli-cable to any place beyond the towns shown in the schedule of of the Act. Further I am required to show that Govt has appointed some persons as Controllers of Buildings in the Province or district. I am unable to trace the necessary notifications re-garding the application of the Act and the appointment of Controller of buildings in the Bombay Govt Gazette. I am kindly requesting you to send me copy of the page of the B.G.G in which it has appeared. If you are unable to supply the copies of the said notifications, I may at least be informed in which part and page of the B.G.G those notifications have appeared.

(1) Govt notification whereby provisions of Building control on erection Act, XXXI of 1948) prohibiting the construction of cinema theatres and place of amusement in the district.

(2) Notification whereby control of buildings have been appointed for the Province and the Districts.

(3) Rules, if any framed under the above enactment.

(4) Notification under B.S.T.P.Act by which prevention of use of iron and steel and cement on buildings used for cinema theatres and place of amusement.

Please treat the matter as urgent.

Yours faithfully
(Sub-Govt. Pleader, Bhatkal)

Dy Deptt/A

This is for Backward Class, Rehabilitation and Housing Department to which it may be transferred w.e.f. ×

× Confirmed orally

24/6/55

25/6

AS(c)

w.e.f. to the (B.C. Rtt & H) Deptt dtt 24/6/55

REHABILITATION DEPARTMENT
File No. ~~BBA 1154~~ 53/48
Date 25 JUN 1955
S. No. 26699

Copy 27/6

BBA 1154/26699

HCh

Rtt & BC Deptt

Necy. action on the above G.W. Khader's case has already been taken by us.

25/6/55

Copy

25/6

24.6.55

25/6

URGENT

Bhatkal
15th JUNE, 1955

From:

The Sub-Government Pleader, Bhatkal.
(District:North Kanara)

3

To

The Secretary to Government;
Public Works Department, Bombay.

Post-
24/6/55
n.s.

Subject:- construction of Cinema theatres etc

Ref: Your letter No. 55/48/90729-H dated 1-10-1955
addressed to the District Magistrate.Kanara.

Sir,

I have the honour to state that two criminal compli-ants against the Proprietors of Prem Talkes and shri Laxmi Talkies of Bhatkal respectively for contrevening the provisions of Bombay Building Control on erection Act- XXXI of 1948 and E.S.T.P.Act, have been filed in the Judicial Magistrate's Court at Bhatkal and the same have reached the stage of hearing.

2 For the purpose of brining home the charges against the accused under the said Act, I am required to show to the Court authorities or the Govt notifications under which Act No XXXI of 1948 was made applicable to Bhatkal town or Kanara District. The Act does not disclose that it has been made appli-cable to any place beyond the towns shown in the scnedule of of the Act. Further I am required to show that Govt has appointed some persons as Controllers of Buildings in the Province or district. I am unable to trace the necessary notifications re-garding the application of the Act and the appointment of Controller of buildings in the Bombay Govt Gazette. I am kindly requesting you to send me copy of the page of the B.G.G in which it has appeared. If you are unable to supply the copies of the said notifications, I may at least be informed in which part and page of the B.G.G those notifications have appeared.

(1) Govt notification whereby provisions of Building control on erection Act, (XXXI of 1948) prohibiting the construction of cinema theatres and place of amusement in the district.

(2) Notification whereby control of buildings have been appointed for the Province and the Districts.

(3) Rules, if any framed under the above enactment.

(4) Notification under E.S.T.P.Act by which prevention of use of iron and steel and cement on buildings used for cinema theatres and place of amusement.

Please treat the matter as urgent.

Yours faithfully

(Sub-Govt. Pleader, Bhatkal

5 53(H8) 26451 7

Ka

R H & SC Dept-

Pl. see the letter from the Govt. Pleader, Shahkot, at p 1 ante.

21- It may be stated that under G.N., + P & D, No. 955/46(a) dt. the 15-1-1948, the Stray Blds. (Control of Erection) Ordinance, 1948, was extended to all areas in the Province of Stray other than the areas specified in the Schedule to the said Act, only in respect of Blds. intended to be used for the purpose of cinemas, theatres & other places of amusement or entertainment. This Ordinance was repealed by the Stray Blds. (Control of Erection, Recreation & Conversion) Act, 1948, under sec. 15 of the said Act; it was stated, inter-alia, that the provisions of sections 7 and 25 of the Stray General Clauses Act, 1904, shall apply to the repeal as if the Ordinance were an enactment. Thus, it will be seen that the Stray Blds. (Control, R & C) Act, 1948, applies to the whole of Stray State for the purposes mentioned at 'A' above only. This view was endorsed by the Supreme Court of India Pl. see the Supreme Court's judgment in Criminal Appeal No. 62 of 1951.

+ Slip F
Kept below

A

31- Under G.N.# Z & H D, No. 53(H&H) dt. the 13- -1-0, all D.M.'s were appointed as Controllers of Blds. for their respective Distts. for the purposes of the said Act.

4/- Under G.N., P&RD, No. 985/46 (d) dtd. the 15-1-1948, Govt. have framed the B'bay Mfdg. (T. & C.) Rules, 1948.

5/- Copies of the following may be supplied to the Sub-Govt. Members as per check list put up for appn :-

(1) B'bay Mfdg. (T. & C.) Act, 1948.
(2) G.N.s, P&RD, No. 985/46 (d) dtd. the 15-1-1948 & No. 985/46 (d) dtd. the 15-1-1948
(3) Supreme Court's judgment in Criminal Appeal 62 of 1951. (In the case of B'bay vs P.V. Chaphekar & others)
(4) G.N., Z&HD, No. 53/47 (d) dtd. the 13-5-1950

4/5/52

In the Q. hr.

Q Par

6. As regards ntification under the E.S.T.P Act preventing the use of Iron and Steel and Cement for buildings used for cinema theatres and places of public amusement it may be stated that Order preventing the use of Iron and Steel in erection and reerection of a building intended to be used for the purpose of a cinema, theatre or any other place of amusement in any place in the State of Bombay was issued vide G.O., Ind & Lab Dept No. 1809/46 E, dated 28-6-50. No such order was issued so far as cement is concerned. Copy of the order mentioned above may be supplied to the Sub-Govt. Pharde, Bhutkar. Necessary addition has been made in the proposed draft.

7-5-52

Bus-C

24/11

11/5 4/5/52 (RHabeed)

9/7

NO. 53/HB/26451-H

Express delivery

R.H. ...

To

The Sub-Govt. Pharmacy,
Shahkot.
Distt. North Kanara.

Subj:- as on 1st cur.

Ref:- your letter No. dtd. 15-6-1955 on the above subj.

I am directed to enclose herewith copies of the following documents for your information & guidance :-

(i) Govt. Notfg. Lr. on E, R & S/Act, 1948

(ii) G.N., P&S D, NO. 945/46 (A) dtd. 15-1-1948

(iii) G.N., P&S D, NO. 985/46 (A) dtd. 15-1-1948

(iv) ...

(iv) Judgment of the Supreme Court of India in Criminal Appeal 62 of 1951 (The State of M'ty vs A.V. Thayjhallan & others)

(v) G.N., Dev (Edn), No. 53/46 (a) dt. the 15-5-1950.

(vi) Govt Order, Labour & Housing Depte No. 1806/46 E, dt the 22-6-50.

3/- I am further to state that G.O., Dev (Edn), No. 1809/46-E dt. the 22-6-1950 has been published at page 3687 in Part I of the B.G.G. dt. the 29-6-1950 while G.O., Dev, No. 985/46(a) dt. the 15-1-1948 has been published at page 264 in Part I of the B.G.G. Extraordinary dt. the 15-1-1948.

Yours M'ty dy. 11/7

Thanks for the receipt of the letter of even no. from the Govt of M'ty for info. mine the letter No. 1419-E dt. the 7-3-55.

EXPRESS DELIVERY.

No.53/48/26451-H.
Rehabilitation, Housing and
Backward Classes Department,
Sachivalaya, Foreshore Road,
Bombay, 9 JUL 1955 July 1955.

The Sub-Government Pleader,
Bhatkal, District:North Kanara.

Subject:- Construction of Cinema theatres,etc.

Reference your letter dated the 15th June 1955 on the above subject.

2. I am directed to enclose herewith copies of the following documents for your information and guidance:

i) Bombay Building (Control on Erection, Re-erection and Converion)Act, 1948;

ii) Government Notification, Political and Services Department, No.985/46(a), dated the 15th January 1948;

iii) Government Notification, Political and Services Department, No.985/46(d), dated the 15th January 1948;

iv) Judgment of the Supreme Court of India in Criminal Appeal 62 of 1951 (The State of Bombay - versus - P.V. Chaphalkar and others);

v) Government Notification, Labour and Housing Department, No.53/48(a), dated the 13th May 1950;

vi) Government Order, Labour and Housing Department, No.1806/46E, dated the 22nd June 1950.

3. I am further to state that Government Order, Labour and Housing Department, No.1809/46E, dated the 22nd June 1950 has been published at page 3687 in Part I of the Bombay Government Gazette, dated the 29th June 1950 and the Government Notification, Political and Services Department, No. 985/46(a), dated the 15th January 1948 has been

published

published at page 264 in Part I of the Bombay Government Gazette Extraordinary, dated the 15th January 1948.

ISSUED
9 JUL 1955

917-55

(J.C.FERNANDEZ)
Under Secretary to the Government of Bombay,
Rehabilitation, Housing and Backward
Classes Department.

Copy forwarded to the Controller of Iron, Steel and Cement and ~~X~~ Controller of Buildings, Bombay, for information with reference to his letter No.1419-E, dated the 7th July 1955.